

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**APPLICANT:**Empirix Inc.**ATTORNEY DOCKET NO.:** Empir-020PUS**APPLICATION NO.:**09/645,279**ENTITLED:** METHOD OF PROVIDING SOFTWARE TESTING SERVICES**FAX RECEIVED****DEC 23 2002****VERIFIED STATEMENT AS SMALL ENTITY****PETITIONS OFFICE****THE UNDERSIGNED DECLARE(S):**

Exclusive rights in the above-identified invention reside in the "small entity(ies)" defined and named below, and "small entity" fees are appropriate. The below-identified small business concern qualifies as a small business as defined in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, in that the number of employees, including those of its affiliates, which does not exceed 500 persons, and it has not assigned, granted, conveyed or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

The undersigned acknowledge(s) the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 11.28(b)).

The below-signing individual(s) hereby declare(s) that (he, she, they) are authorized to execute this statement on behalf of the small entity; that all statements made herein of (his, her, their) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issue thereon, or any patent to which this verified statement is directed.

Empirix Inc.

Name of Small Entity (Independent Inventor/Small Business/Nonprofit)

Sheet 2 of 2
Attorney Docket No. EMP1R-020PUS

1430 Main Street, Waltham, MA 02451

Address of Small Entity (Street, City, State or Country, Zip Code)

David W. Rouille Attorney for Applicant

(Name and Title of Person Signing on Behalf of Small Business/Nonprofit)

David W. Rouille

Signature (Please sign and date in permanent ink.)

12/23/02

Date signed:

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Including this transmittal sheet, document consists of pages.

Date: December 23, 2002**Time:****Deliver To:** Retta Williams**From:** David W. Rouille**Company:** US PTO**US Application No.** 09/645,279**Facsimile Number:** (703) 308-6916**Telephone Number:****FAX RECEIVED****DEC 23 2002****PETITIONS OFFICE****MESSAGE****STATEMENT OF CONFIDENTIALITY**

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